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Attorneys for Defendants World Savings Bank,
FSB and Wachovia Mortgage Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DOLORES MANDRIGUES, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

WORLD SAVINGS, INC., WORLD SAVINGS
BANK, FSB, WACHOVIA MORTGAGE
CORPORATION, and DOES 1 through 10,
inclusive,

Defendants.

Case No. C07 04497

**DEFENDANTS WORLD SAVINGS BANK
FSB'S AND WACHOVIA MORTGAGE
CORPORATION'S NOTICE OF MOTION
AND MOTION TO DISMISS OR, IN THE
ALTERNATIVE, MOTION TO STRIKE
PORTIONS OF PLAINTIFFS' FIRST
AMENDED COMPLAINT**

Date: January 4, 2007

Time: 9:00 a.m.

Place: Courtroom 3, 5th Floor

Compl. Filed: August 30, 2007

The Honorable Jeremy Fogel

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on Friday, January 4, 2007, at 9:00 a.m. in Courtroom 3 of
the United States District Court for the Northern District of California, located at 280 S. First Street,
5th Floor, San Jose, California, Defendant World Savings Bank, F.S.B. ("World") and Wachovia
Mortgage Corporation ("Wachovia") will and hereby does move this Court for an order dismissing
Plaintiffs' First Amended Complaint.

No. C07 04497

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DOCSOAK-9890196.1

1 Plaintiffs' First Claim For Relief based on alleged TILA violations fails to identify facts
 2 sufficient to state a cause of action and, therefore, should be dismissed pursuant to Federal Rule of
 3 Civil Procedure 12(b) and/or 12(c). Further, Plaintiffs' Second, Third, Fourth, Fifth and Sixth (State
 4 Law) Claims For Relief are preempted by federal law and also fail to identify facts sufficient to state
 5 a cause of action and should, therefore, be dismissed pursuant to Federal Rule of Civil Procedure
 6 12(b). Further, Plaintiffs' prayers for punitive, actual and statutory damages should be stricken
 7 pursuant to Federal Rule of Civil Procedure 12(f) because Plaintiffs are not entitled to these
 8 remedies as a matter of law.

9 World and Wachovia's Motion is based on this Notice of Motion and Motion, the
 10 accompanying Memorandum of Points and Authorities, Request For Judicial Notice and exhibits
 11 attached thereto and such other evidence the Court may choose to consider at the hearing on
 12 Defendant's motion.

13 DATED: November 6, 2007

14 REED SMITH LLP

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 16 By /s/ Keith D. Yandell
 17 Jack R. Nelson (SBN 111863)
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 20 Attorneys for Defendants World Saving Bank, FSB
 21 and Wachovia Mortgage Corporation
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